

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DELILAH A. GRAHAM-SMITH and  
RODNEY SMITH,<sup>1</sup>**

**Plaintiffs,**

**v.**

**CITY OF WILKES-BARRE, et al.,**

**Defendants.**

:  
: **CIVIL ACTION NO. 3:17-CV-239**  
: **(JUDGE MARIANI)**  
: **(Magistrate Judge Saporito)**  
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**ORDER**

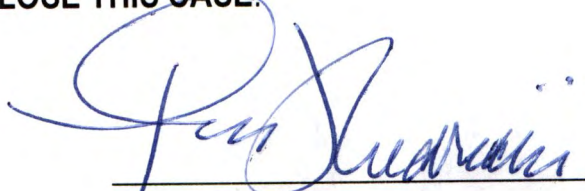
**AND NOW, THIS** 19<sup>th</sup> **DAY OF MAY 2021**, upon consideration of Magistrate Judge Saporito's R&R (Doc. 80) and all relevant documents, for the reasons set forth in the simultaneously filed Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. Plaintiffs' objections to the R&R (Doc. 97) are **OVERRULED**;
2. The R&R (Doc. 80) is **ADOPTED**;
3. Defendants "John Does 1-10" are **DISMISSED** pursuant to Federal Rule of Civil Procedure 21;
4. Defendants motion for summary judgment (Doc. 51) is **GRANTED**;

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<sup>1</sup> On May 4, 2021, Defendants filed the Suggestion/Statement of Death pursuant to Federal Rule of Civil Procedure 25 stating that "the death of Delilah A. Graham-Smith . . . during the pendency of this action is noted upon the record." (Doc. 106 at 1.)

5. The Clerk of Court is directed to **CLOSE THIS CASE.**

A handwritten signature in blue ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani  
United States District Judge